

(b) Before terminating the approval of an accreditation body, NIST will notify the accreditation body in writing, giving it the opportunity to rebut or correct the stated reasons for the proposed termination. If the problems are not corrected or reconciled within 30 days, or such longer time as NIST in its sole discretion may grant, the termination shall become effective.

(c) An accreditation body may appeal a termination to the Director by submitting a statement of reasons why the approval should not be terminated. NIST may, at its discretion, hold in abeyance the termination action pending a final decision by the Director. Within sixty days following receipt of the appeal, the Director shall inform the accreditation body in writing of his or her decision.

(d) Fastener testing laboratories which have been listed by NIST in accordance with subpart B of this part, based on their accreditation by an accreditation body whose approval has terminated, shall be removed from the list, unless an exception is granted by NIST.

Subpart E—Recognition of Foreign Laboratories

§ 280.400 Introduction.

In accordance with section 6(a)(1)(C) of the Act, this subpart sets forth the conditions under which the accreditation of foreign laboratories by their governments, by organizations acting on behalf of their governments, or by organizations recognized by the Director shall be deemed to meet the requirements of the Act.

§ 280.401 Recognition of foreign laboratories.

Foreign entities wishing to be recognized to accredit fastener testing laboratories must submit an application for evaluation to NIST. NIST recognition is limited to bodies that accredit laboratories performing tests on materials or fasteners covered by the Act. To be recognized by NIST, accredited foreign laboratories must meet conditions set out in subpart C of this part, and applicable laboratory accreditation bodies must meet conditions set out in subparts D and F of this part.

Subpart F—Requirements for Fastener Laboratory Accreditation Bodies

§ 280.500 Introduction.

This subpart sets out organizational, operational and other requirements that must be met by all accreditation bodies approved or recognized (hereafter “approved/recognized”) by NIST under subpart D or E of this part. This subpart also sets out the requirements against which an approved/recognized accreditation body assesses the technical competence of an applicant testing laboratory. These requirements include conditions with respect to subpart C of this part.

§ 280.501 Accreditation bodies.

(a) *General provisions.* (1) The procedures under which an approved/recognized accreditation body operates shall be administered in a non-discriminatory manner. Access to an accreditation system operated by an approved/recognized accreditation body shall not be conditional upon the size of the laboratory or membership in any association or group, nor shall there be undue financial conditions to restrict participation.

(2) The competence of an applicant laboratory shall be assessed by an approved/recognized accreditation body against requirements consistent with the conditions set out in subpart C of this part.

(3) The requirements of § 280.501(a)(2) may have to be interpreted for a specific test or type of test by an approved/recognized accreditation body. These interpretations shall be formulated by relevant and impartial committees or persons possessing the necessary technical competence. They shall be published by the accreditation body.

(4) An approved/recognized accreditation body shall require accredited laboratories to maintain impartiality and integrity.

(5) An approved/recognized accreditation body shall confine its requirements, assessment and decision on accreditation to those matters specifically related to the scope of the accreditation being considered.